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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,410

Applicant(s)

SIMPSON ET AL.

Examiner

April L. Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amended claims 1, 11, 13-14, and 17 and canceled claims 15, 16, 22-24, therefore claims 1-14 and 17-21 are now pending.

### ***Response to Arguments***

1. Applicant's arguments filed 12/9/04 in reference to independent claim 17 have been fully considered but they are not persuasive. The idea of a personal imaging repository is incorporated within the preamble of the claims and thus has not been given patentable weight.

2. In response to applicant's arguments, the recitation "...wherein the computer is linked to a personal imaging repository..." has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,615,234 to Adamske et al. in view of Pineau (US 2002/0181010).

Regarding claim 1, Adamske et al. teaches a system for preparing imaging data for printing to a requested web service from an application loaded on a user's computing device, comprising: an imaging client computer having a web browser for printing from the application to the requested web service (column 3, lines 51-55); an imaging repository for storing imaging data comprising digital data capable of being represented as two dimensional graphics that is to be accessed by the requested web service (column 2, lines 8-16 and 19-22 and column 3, lines 64-67 and column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27), a capture driver for preparing the imaging data for transfer to said personal imaging repository (column 3, lines 56-61 and column 6, lines 34-39), said capture driver further comprising: a printer driver for converting the imaging data into a predefined format suitable for printing to a peripheral device (column 3, lines 56-61 and column 6, lines 34-39); an uploader mechanism for storing the imaging data into said personal imaging repository (column 3, lines 51-55 and

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column 5, lines 15-16); and, a conversion mechanism for converting the imaging data into the default format of the personal imaging repository (column 2, lines 8-16 and column 6, lines 5-8).

Adamske et al. does not teach a personal imaging repository associated with a particular user for storing imaging data, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet; and a port monitor for directing the imaging data to said personal imaging repository. Pineau teaches a personal imaging repository associated with a particular user for storing imaging data comprising digital data capable of being represented as two dimensional graphics that is to be accessed by the requested web service, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet (fig.2b and page 3, section 0035, page 4, section 0044 and 0046 and 0048, page 5, section 0049-0052 and 0055); a port monitor for directing the imaging data to said personal imaging repository (page 5, section 0053). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for network based document delivery of Adamske et al. by having a personal imaging repository associated with a particular user for storing imaging data, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet; and a port monitor for directing the imaging data to said personal imaging repository because a personal repository that is an exchange infrastructure allows a user to access said personal image data from anywhere at anytime and having a port monitor for directing the imaging data to said personal imaging repository because the port monitor is used to transfer information and for the verification of information.

Regarding claim 10, Adamske et al. teaches the system as defined in claim 1 wherein said capture driver further comprising: a printer driver for converting the imaging data in a predefined format suitable for printing to a peripheral device (column 3, lines 56-61 and column 6, lines 34-39); an uploader mechanism for storing the imaging data onto said personal imaging repository (column 3, lines 51-55 and column 5, lines 15-16); and, a conversion mechanism for converting the imaging data into a default format of the personal imaging repository (column 2, lines 8-16 and column 6, lines 5-8).

Adamske et al. does not teach a port monitor for directing the imaging data to said personal imaging repository. Pineau teaches a port monitor for directing the imaging data to said personal imaging repository (page 5, section 0053). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for network based document delivery of Adamske et al. by having a port monitor for directing the imaging data to said personal imaging repository because the port monitor is used to transfer information and for the verification of information.

Regarding claim 14, Adamske et al. teaches a computer for preparing imaging data for printing from an application to a requested web service, comprising: a web browser for printing to the requested web service (column 3, lines 51-55); an imaging repository for storing imaging data comprising digital data capable of being represented as two dimensional graphics that is to be accessed by the requested web service (column 2, lines 8-16 and 19-22 and column 3, lines 64-67 and column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27), a capture driver for preparing said imaging data for transfer to said personal imaging repository (column 3, lines 56-61 and column 6, lines 34-39), said capture driver further comprising: a

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printer driver for converting the imaging data into a predefined format suitable for printing to a peripheral device (column 3, lines 56-61 and column 6, lines 34-39); an uploader mechanism for storing the imaging data into said personal imaging repository (column 3, lines 51-55 and column 5, lines 15-16); and, a conversion mechanism for converting the imaging data into the default format of the personal imaging repository (column 2, lines 8-16 and column 6, lines 5-8).

Adamske et al. does not teach a personal imaging repository associated with a particular user for storing imaging data, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet; and a port monitor for directing the imaging data to said personal imaging repository. Pineau teaches a personal imaging repository associated with a particular user for storing imaging data comprising digital data capable of being represented as two dimensional graphics that is to be accessed by the requested web service, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet (fig.2b and page 3, section 0035, page 4, section 0044 and 0046 and 0048, page 5, section 0049-0052 and 0055); a port monitor for directing the imaging data to said personal imaging repository (page 5, section 0053). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for network based document delivery of Adamske et al. by having a personal imaging repository associated with a particular user for storing imaging data, and wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services on the Internet; and a port monitor for directing the imaging data to said personal imaging repository because a personal repository that is an exchange infrastructure allows a user to access said personal image data

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from anywhere at anytime and having a port monitor for directing the imaging data to said personal imaging repository because the port monitor is used to transfer information and for the verification of information.

Regarding claim 2, Adamske et al. teaches the system as defined in claim 1 wherein said imaging client computer further comprising user information for associating the user with said personal imaging repository (column 7, lines 4-9 and 16-27).

Regarding claim 3, Adamske et al. teaches the system as defined in claim 2 wherein said user information is accessed through an extension component of said web browser (column 7, lines 4-9 and 16-27).

Regarding claim 4, Adamske et al. teaches the system as defined in claim 1 wherein said personal imaging repository stores the imaging data in a plurality of file formats (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).

Regarding claim 5, Adamske et al. teaches the system as defined in claim 1 wherein said personal imaging repository comprises an imaging data store for storing imaging data (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).

Regarding claim 6, Adamske et al. teaches the system as defined in claim 5 wherein said imaging data store is assigned to the user associated with said personal imaging repository for storing imaging data for user usage (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).

Regarding claim 7, Adamske et al. teaches the system as defined in claim 5 wherein said imaging data store is assigned to a web service for storing imaging data available to the public (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).



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Regarding claim 8, Adamske et al. teaches the system as defined in claim 1 wherein said personal imaging repository comprises a composition store for storing imaging compositions of imaging data serviced as a single unit (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).

Regarding claim 9, Adamske et al. teaches the system as defined in claim 8 wherein said imaging composition further comprising a link reference for each imaging data (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27).

Regarding claim 11, Adamske et al. in view of Stewart et al. teaches the system as defined in claim 10 wherein said predefined format suitable for printing is page description language (column 2, lines 10-14).

Regarding claim 12, Adamske et al. in view of Stewart et al. teaches the system as defined in claim 11 wherein said predefined format suitable for printing is any one from the group consisting of: Postscript Format; Printer Control Language; and, Hewlett Packard Graphics Language (column 2, lines 10-14).

Regarding claim 13, Adamske et al. in view of Stewart et al. teaches the system as defined in claim 10 wherein said default format of said personal imaging repository is any one from the group consisting of: Joint Photographic Experts Group Format; Graphics Interchange Format; Portable Network Graphics Format; Tagged Image File Format; Portable Document Format; and, Microsoft Windows bitmap format (column 5, line 65 through column 6, line 8).

1. Claims 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,615,234 to Adamske et al. in view of Stewart et al. (US Patent No. 6,714,964).

Regarding claim 17, Adamske et al. teaches a method for preparing imaging data comprising digital data capable of being represented as two dimensional graphics for printing from an application located on a computer with a web browser and a capture driver having a printer driver to a requested web service provided by a web service server, wherein the computer is linked to a personal imaging repository having an imaging data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit, said method comprising the steps of: transferring the imaging data to the imaging data store (column 4, lines 63-66); creating an imaging composition having links to the imaging data stored in the imaging data store; saving the imaging composition in the composition store (column 5, line 65 through column 6, line 8 and column 7, lines 4-9 and 16-27); and, directing the web browser to the requested web service (column 3, lines 51-55).

Adamske et al. does not teach a capture driver having a port monitor. Stewart et al. teaches a capture driver having a port monitor (column 5, lines 42-56 and column 5, line 65 through column 6, line 7 and column 6, lines 20-22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for network based document delivery of Adamske et al. by having a capture driver having a port monitor because the port monitor is used to transfer information and for the verification of information.

Regarding claim 20, Adamske et al. teaches the method according to claim 19 wherein said step of directing the imaging data further comprising the steps of: converting the imaging data in the predefined format to a default format of the imaging data store (column 2, lines 8-16).

Adamske et al. does not teach directing the imaging data in the predefined format to the port monitor; receiving the imaging data in the predefined format by the port monitor. Stewart et al. teaches directing the imaging data in the predefined format to the port monitor; receiving the imaging data in the predefined format by the port monitor (column 5, lines 42-56 and column 5, line 65 through column 6, line 7 and column 6, lines 20-22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for network based document delivery of Adamske et al. by directing the imaging data in the predefined format to the port monitor; receiving the imaging data in the predefined format by the port monitor because the port monitor is used to transfer information and for the verification of information.

Regarding claim 18, Adamske et al. in view of Stewart et al. teaches the method according to claim 17 wherein prior to said step of transferring the imaging data further comprising the steps of: directing the imaging data to the operating system by the application; and, directing the imaging data to the printer driver by the operating system (column 3, lines 50-63).

Regarding claim 19, Adamske et al. in view of Stewart et al. teaches the method according to claim 17 wherein prior to said step transferring the imaging data further comprising the steps of: determining whether the imaging data is in a predefined format suitable for printing to a peripheral device; converting the imaging data to the predefined format when the imaging data is not in the predefined format; and, directing the imaging data in the predefined format to the operating system (column 2, lines 8-16).

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Regarding claim 21, Adamske et al. in view of Stewart et al. teaches the method according to claim 17 wherein prior said step of transferring the imaging data further comprising the step of converting the imaging data into a default format of the imaging data store (column 2, lines 8-16).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to preparing imaging data for printing to a requested web service in general: Tomat et al., Kelley et al., Ogawa et al., Chase et al., Levine et al., and Roosen et al.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER